

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mohammed Eisa,

Civil No. 05-773 (RHK/AJB)

Petitioner,

ORDER

v.

United States Citizenship and
Immigration Services, et al.,

Respondents.

In a December 23, 2005 Report and Recommendation, Magistrate Judge Arthur J. Boylan recommended that Respondents' Motion to Dismiss the Petition for Hearing on Naturalization Application be denied in part and granted in part. Petitioner has now filed Objections to Judge Boylan's recommended disposition. The Court has reviewed de novo the Report and Recommendation as well as the Objections thereto. That review satisfies the undersigned that Judge Boylan's factual determinations are fully supported by the record before him and that his legal conclusions and recommended disposition is supported by controlling legal authorities.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 30) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 29) is **ADOPTED**;
3. Respondents' Motion to Dismiss the Petition for Hearing on Naturalization Application pursuant to 8 U.S.C. § 1447(b) in this matter is **DENIED IN PART and GRANTED IN PART** as provided in the Report and Recommendation;

4. The matter is **REMANDED** to United States Citizenship and Immigration Services and the naturalization proceedings shall thereafter be stayed during the pendency of removal proceedings pursuant to 8 U.S.C. § 1429;

5. The United States Citizenship and Immigration Service is instructed that in the event removal proceeding are resolved in Petitioner's favor that the naturalization process should thereafter be resumed and completed within 60 days of a final determination on removal;

6. If the Respondents prevail in proceedings to remove the Petitioner, the naturalization, and the Court's instructions, will be moot; and

7. Petitioner's Motion for Leave to File an Amended Complaint (Doc. No. 18) is **DENIED AS MOOT.**

Dated: January 31, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge